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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,294	03/25/2004	Anton Strassgurtl	22853	6051
535	7590	03/23/2006	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			ELDRED, JOHN W	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,294	<b>Applicant(s)</b> STRASSGURTL ET AL.	
	<b>Examiner</b> J. Woodrow Eldred	<b>Art Unit</b> 3641	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, line 4, has been amended to claim that the bottom is mounted “in” the vehicle body, but the specification and drawings only disclose the bottom mounted “on” or “outside” the body. Therefore, this limitation is considered to be new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In light of the above new matter, the structure of the plate mounted “in” the body is considered to be unclear.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Honlinger (6,779,431).

Honlinger discloses a vehicle with all claimed elements. See especially column 1, lines 19-27; column 2, lines 1-4; and column 2, lines 44-63. Note that the lower plate 1.3 of the vehicle is bent “inward” toward the center of the vehicle and has longitudinal bending edges on both sides of the vehicle center line. Note that the space between the bottom armor plate and the floor 2 allows buckling of the plate without contacting the floor (column 1, lines 50-55). The floor has no “direct connection” with the bottom plate. This plate is considered “armoring bottom plate” since it will inherently provide some “armoring” protection, especially in view of the teaching that it can have “inward bowing” in the event of an explosion, as opposed to being destroyed, shattered, etc. In regard to claim 8, “easily” is a relative term which, without further limitation is met by the strapped in floor.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honlinger (6,779,431) in view of Williams (5,533,781).

Honlinger discloses a vehicle comprising most claimed elements including the lower plate 1.3 of the vehicle that is bent “inward” toward the center of the vehicle and has longitudinal bending edges on both sides of the vehicle center line; a space between the bottom armor plate and the floor 2 that allows buckling of the plate without contacting the floor (column 1, lines 50-55); no direct connection between the floor and the bottom plate; and means for fragment protection in the floor (column 2, lines 1-4). The bottom

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plate is considered “armoring bottom plate” since it will inherently provide some “armoring” protection, especially in view of the teaching that it can have “inward bowing” in the event of an explosion, as opposed to being destroyed, shattered, etc. Honlinger fails to show a carpet, in particular an aramide fabric carpet. Williams discloses a mine-detonation resistant understructure (i.e. armored) for a vehicle comprising an inwardly bent armor bottom plate 14, a floorboard 26 spaced above the bottom plate, and an aramid fiber (e.g. Kevlar) material 12 forming part of the floorboard. This material is considered to read over a “carpet” and is inherently “slip-resistant”. See especially column 3, line 54 – column 4, line 9; and column 6, line 1. Motivation to combine is either the substitution of an unspecified means of “splinter protection” for that in Honlinger, or the added safety available by the addition of the aramide fibrous material to the floor of Honlinger. To employ the teachings of Williams to the floor of Honlinger and have aramid fiber carpet is considered to have been obvious to one having ordinary skill in the art.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honlinger (6,779,431) and Williams (5,533,781) as applied to claims 3, 4, and 6 above, and further in view of Tasdemiroglu (4,664,967).

Honlinger and Williams fail to show the “carpet” or aramid fiber secured to the floor only at edge regions. Tasdemiroglu teaches that it is well known to secure aramid fiber liners only at the edges (i.e. with edge channels). See especially column 3, lines 3-12.

Motivation to combine is the mere substitution of one securing means (i.e. adhesive) for another known securing means to perform the same basic function. To employ the teaching of Tasdemiroglu on the structure of Williams and have the carpet secured only at the edges is considered to have been obvious to one having ordinary skill in the art.

10. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honlinger (6,779,431) in view of Ikeda et al (6,114,014).

Honlinger discloses a vehicle comprising most claimed elements including the lower plate 1.3 of the vehicle that is bent “inward” toward the center of the vehicle and has longitudinal

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bending edges on both sides of the vehicle center line; a space between the bottom armor plate and the floor 2 that allows buckling of the plate without contacting the floor (column 1, lines 50-55); no direct connection between the floor and the bottom plate; and means for fragment protection in the floor (column 2, lines 1-4). The bottom plate is considered “armoring bottom plate” since it will inherently provide some “armoring” protection, especially in view of the teaching that it can have “inward bowing” in the event of an explosion, as opposed to being destroyed, shattered, etc. Honlinger fails to show a rubber layer forming a slip resistant material on the upper surface of the floor. Ikeda et al teach that it is well known to use rubber to form a slip resistant material to go on the floor of a vehicle. See especially column 13, lines 31-41. Motivation to combine is the improved performance of a particular vehicle floor by being covered to provide a non-slip surface. To employ the teaching of Ikeda et al on the structure of Honlinger and have a floor mat formed from rubber is considered to have been obvious to one having ordinary skill in the art.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honlinger (6,779,431) in view of either Gaudreau et al (2005/0121876) or Gerzeny et al (6,782,623).

Honlinger discloses a vehicle comprising most claimed elements including the lower plate 1.3 of the vehicle that is bent “inward” toward the center of the vehicle and has longitudinal bending edges on both sides of the vehicle center line; a space between the bottom armor plate and the floor 2 that allows buckling of the plate without contacting the floor (column 1, lines 50-55); no direct connection between the floor and the bottom plate; and means for fragment protection in the floor (column 2, lines 1-4). The bottom plate is considered “armoring bottom plate” since it will inherently provide some “armoring” protection, especially in view of the teaching that it can have “inward bowing” in the event of an explosion, as opposed to being destroyed, shattered, etc. Honlinger fails to show the floor attached to the body walls by screws. Gaudreau et al and Gerzeny et al each teach that it is well known to secure vehicle floors to the body by means of screws. See especially column 2, paragraph 34 of Gaudreau et al or column 3, lines 43-50 of Gerzeny et al. Motivation to combine is the mere substitution of an unspecified securing means for a particular securing means to perform the same basic function. To employ the teachings of either Gaudreau et al or Gerzeny et al on the structure of Honlinger and have the

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floor secured to the body by screws is considered to have been obvious to one having ordinary skill in the art.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honlinger (6,779,431) in view of Smirlock et al (4,928,575).

Honlinger discloses a vehicle comprising most claimed elements including the lower plate 1.3 of the vehicle that is bent “inward” toward the center of the vehicle and has longitudinal bending edges on both sides of the vehicle center line; a space between the bottom armor plate and the floor 2 that allows buckling of the plate without contacting the floor (column 1, lines 50-55); no direct connection between the floor and the bottom plate; and means for fragment protection in the floor (column 2, lines 1-4). The bottom plate is considered “armoring bottom plate” since it will inherently provide some “armoring” protection, especially in view of the teaching that it can have “inward bowing” in the event of an explosion, as opposed to being destroyed, shattered, etc. Honlinger fails to show modular armor plates mounted along an underside of the bottom plate. Smirlock et al teach that it is well known to secure modular armor plates on the underside of armored vehicle bodies. See especially element 40 in Figure 1. Motivation to combine is the addition of additional armor with the advantages of increased performance due to greater protection. To employ the teaching of Smirlock et al on the structure of Honlinger and have add on modular armor on the underside of the bottom plate is considered to have been obvious to one having ordinary skill in the art.

13. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honlinger (6,779,431) in view of Smirlock et al (4,928,575), as applied to claim 10 above, and further in view of Tasdemiroglu.

Honlinger and Smirlock et al fail to show the modular armor mounted by guide rails along the edges of the plate. Tasdemiroglu teaches that it is well known to secure added armor plates by means of channels along the edges of the armor. See especially column 3, lines 3-12. Motivation to combine is the mere substitution of known securing means to perform the same function. To employ the teaching of Smirlock et al and Tasdemiroglu on the structure of Williams and have add on modular armor on the underside of the bottom plate and held in place by guide rails is

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considered to have been obvious to one having ordinary skill in the art. In regard to claim 12, merely placing a plurality of the modular armor next to each other would require require rails between the modules and is considered to have been obvious to one having ordinary skill in the art.

14. Claims 13-17 are allowed.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

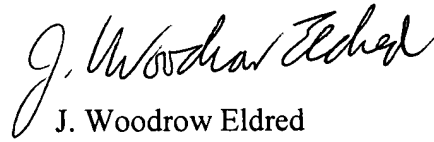
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "J. Woodrow Eldred". The signature is written in a cursive, flowing style.

J. Woodrow Eldred  
Primary Examiner  
Art Unit 3641

JWE